

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of

THOMPSON et al.

Atty. Ref.: 723-984

Serial No. 09/723,319

TC/A.U.: 3623

Filed: November 28, 2000

Examiner: Nadja N. Chong Cruz

For: RESOURCE MANAGEMENT SYSTEM

* * * * *

December 28, 2009 (A Monday)

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

Applicant submits herewith its Brief on Appeal pursuant to 37 C.F.R. §41.37.

TABLE OF CONTENTS

(I)	REAL PARTY IN INTEREST	3
(II)	RELATED APPEALS AND INTERFERENCES	4
(III)	STATUS OF CLAIMS	5
(IV)	STATUS OF AMENDMENTS.....	6
(V)	SUMMARY OF CLAIMED SUBJECT MATTER.....	7
(VI)	GROUND OF REJECTION TO BE REVIEWED ON APPEAL.....	11
(VII)	ARGUMENT	12
(VIII)	CLAIMS APPENDIX	28
(IX)	EVIDENCE APPENDIX	40
(X)	RELATED PROCEEDINGS APPENDIX.....	41

(I) REAL PARTY IN INTEREST

The real party in interest is the assignee, Nintendo of America Inc., a corporation of the state of Washington.

(II) RELATED APPEALS AND INTERFERENCES

On information and belief, there are no prior or pending appeals, interferences, or judicial proceedings (past or present), known to appellant, the appellant's legal representative, or assignee, which may be related to, directly affect or be directly affected by, or have a bearing on the Board's decision in this appeal.

(III) STATUS OF CLAIMS

Claims 1-11, 13, 14, 17-30, 32-43 and 46 are pending.

Claims 12, 15, 16, 31, 44 and 45 have been canceled without prejudice or disclaimer.

Claims 1-11, 13, 14, 17-30, 32-43 and 46 stand rejected and the rejection of these claims is being appealed.

A Listing of Claims is presented in the Claims Appendix to this Appeal Brief.

(IV) STATUS OF AMENDMENTS

All amendments have been entered.

No amendment after final has been filed.

(V) SUMMARY OF CLAIMED SUBJECT MATTER

This section is for purposes of example only and is without limitation on the scope of the claims.

The resource management system of claim 1 includes a work plan builder module configured to build work plans for workers (see, e.g., work plan builder module 152 in Figure 1B; page 3, lines 5-6; page 11, line 21; page 12, line 15 to page 20, line 12; and Figures 4, 5 and 6), a computer-accessible memory for storing the work plans built by the work plan builder module (see, e.g., hard disk 211, removable magnetic disk 215, optical disk 219, ROM 252 and RAM 254 in Figure 2; page 10, lines 18-20; page 13, lines 16-17), and a forecast module (see, e.g., work force forecast module 158 in Figure 1B; page 4, lines 3-7; page 24, line 9 to page 27, line 19; and Figures 8A, 8B, 8C and 8D).

The work plan builder module is configured to allow each worker to specify, for each of a plurality of different time periods during each of one or more workdays, one of a plurality of different activities that the worker plans to perform during that time period (see, e.g., page 12, lines 22-23; page 14, line 19 to page 16, line 19; and Figure 5). The work plan builder module is configured to permit each worker to specify by selection from a displayed list of work activities two or more different work activities that the

worker plans to perform during different time periods of the same workday (see, e.g., page 15, lines 7-9; page 15, line 17 to page 16, line 19; and Figures 5 and 6).

The forecast module compares a service level forecasted to be needed for different work activities and a service level corresponding to the workers that plan to engage in these different work activities as specified in the work plans and permits changes to the work activities specified in the work plans for one or more workers based on the comparing (see, e.g., page 4, lines 3-7; page 24, line 9 to page 25, line 5; page 25, line 15 to page 26, line 22; Figures 8A, 8B, 8C and 8D).

The claim 14 method of managing resources includes receiving from each of a plurality of workers a work plan in which the worker specifies, for each of a plurality of different time periods during each of one or more workdays, one of a plurality of different activities that the worker plans to perform during that time period by selecting from a displayed list of work activities (see, e.g., page 3, lines 5-6; page 11, line 21; page 12, line 15 to page 20, line 12; and Figures 4, 5 and 6). The work plan for at least one of the workers specifies two or more different work activities that the at least one worker plans for perform during different time periods of the same workday (see, e.g., page 15, lines 7-9; page 15, line 17 to page 16, line 19; and Figures 5 and 6).

The claim 14 method further comprises storing in a computer-accessible memory the received work plans (see, e.g., hard disk 211, removable magnetic disk 215, optical

disk 219, ROM 252 and RAM 254 in Figure 2; page 10, lines 18-20; page 13, lines 16-17).

The claim 14 method further comprises comparing a service level forecasted to be needed for different work activities and a service level corresponding to the workers that plan to engage in these different work activities as specified in the work plans (see, e.g., page 24, line 9 to page 25, line 14) and changing the work activities specified in the work plans for one or more workers based on the comparing (see, e.g., page 26, lines 11-22).

The computer-readable storage of claim 19 has stored thereon one or more computer-executable modules for a resource management system (see, e.g., hard disk 211, removable magnetic disk 215, optical disk 219, ROM 252 and RAM 254 in Figure 2; page 10, lines 18-20). The one or more computer-executable modules include a work plan builder module for enabling workers to build their own work plans for one or more workdays (see, e.g., work plan builder module 152 in Figure 1B; page 3, lines 5-6; page 11, line 21; page 12, line 15 to page 20, line 12; and Figures 4, 5 and 6) and a forecast module for comparing a service level forecasted to be needed for different work activities and a service level corresponding to the workers that plan to engage in these different work activities as specified in the work plans (see, e.g., work force forecast module 158 in Figure 1B; page 4, lines 3-7; page 24, line 9 to page 25, line 5; page 25, line 15 to page 26, line 22; Figures 8A, 8B, 8C and 8D). The work plan builder module is configured to

allow each worker to specify by selection from a displayed list of work activities two or more different work activities to engage in during different time periods of the same workday (see, e.g., page 12, lines 22-23; page 14, line 19 to page 16, line 19; and Figures 5 and 6) and the forecast module permits changes to the work activities specified in the work plans for one or more workers based on the comparing (see, e.g., page 4, lines 3-7; page 24, line 9 to page 25, line 5; page 25, line 15 to page 26, line 22; Figures 8A, 8B, 8C and 8D).

The method of managing resources of claim 43 comprises receiving from each of one or more workers a work plan in which the worker specifies by selecting from a displayed list of work activities a first work activity for a first time period during a workday and a second different work activity for a second different time period during the same workday (see, e.g., page 12, lines 22-23; page 14, line 19 to page 16, line 19; and Figures 5 and 6). The method further comprises comparing a service level forecasted to be needed for different work activities and a service level corresponding to the workers that plan to engage in these different work activities as specified in the work plans (see, e.g., page 4, lines 3-7; page 24, line 9 to page 25, line 5; page 25, line 15 to page 26, line 22; Figures 8A, 8B, 8C and 8D) and changing the work activities specified in the work plans for one or more workers based on the comparing (see, e.g., page 4, lines 3-7; page 24, line 9 to page 25, line 5; page 25, line 15 to page 26, line 22; Figures 8A, 8B, 8C and 8D).

(VI) GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-11, 13, 14, 17-30, 32-43 and 46 would have been made "obvious" under 35 U.S.C. Section 103(a) by O'Brien (U.S. Patent No. 6,587,831) in view of Dellevi et al. (U.S. Patent No. 6,957,188) and in further view of Moseley et al. (*Office 97: Professional Edition*).

(VII) ARGUMENT

(1) Claims 1, 3, 5, 7, 9-11, 14, 17-21, 26-29, 33-36, 42, 43, and 46 would not have been made obvious by O'Brien, Dellevi et al. and Moseley et al.

The resource management system of claim 1 includes a work plan builder module that is configured to allow each worker to specify, for each of a plurality of different time periods during each of one or more workdays, one of a plurality of different activities that the worker plans to perform during that time period. The work plan builder module is configured to permit each worker to specify two or more different work activities that the worker plans to perform during different time periods of the same workday. An illustrative example display of a work plan builder module including this feature is shown in Figure 6. As described in the specification, this feature is advantageous because it provides workers a degree of autonomy in choosing what they want to do and when they want to do it. This feature also makes the workers the data source for work schedules and thereby takes advantage of the fact that the workers themselves are most likely to know what factors will affect their work schedules. The work plans entered by the workers can then be examined to determine if they will provide a desired service level for an expected workload. If necessary, the work plans may be modified to re-allocate resources.

Even were there a sufficient legal basis for combining O'Brien, Dellevi et al., and Moseley et al., the result of the combining would not be the resource management system

of claim 1. Indeed, as discussed below, the office action concedes that, even under its view of O'Brien, Dellevi et al. and Moselely et al., the proposed combination of these references is at least deficient with respect to permitting each worker to specify a work activity by selection from a displayed list of work activities.

O'Brien discloses a system and method for centrally creating a schedule for a group of company employees. The scheduling system of O'Brien assigns the employees to shifts while accommodating factors including staffing requirements, employee preferences and optimal settings based on forecasting. See Abstract.

With respect to accommodating "employee preferences", O'Brien identifies shift requests, leave requests, and shift swapping. "Shift requests" in O'Brien correspond to times when a worker would like to start/finish work. See col. 7, line 18 et seq. "Leave requests" refer to "leave for a particular day" (see col. 8, line 38 et seq.). "Shift swapping" refers to swapping shifts with another employee (see col. 8, line 53 et seq.).

However, none of these "employee preferences" involve workers specifying, for each of a plurality of different time periods during each of one or more workdays, one of a plurality of different activities that the worker plans to perform during that time period. A shift request in O'Brien specifies start/finish times, not particular activities in the time period between the start and finish times. A leave request in O'Brien simply specifies leave for a particular day. There is no disclosure in O'Brien that leave is specified for each of a plurality of time periods during a workday. Finally, shift swapping does not involve specifying particular activities during a workday.

Moreover, there is no disclosure in O'Brien of permitting each worker to specify two or more different work activities that the worker plans to perform during different time periods of the same workday as recited in claim 1.

The portions of O'Brien referenced in the office action do not disclose (or even suggest) the claimed work plan builder module.

Figure 2A simply shows the shift assignment (e.g., 6:00 am to 10:00 am; 10:00 am to 2:00 pm; etc.) for each employee for a given schedule period. There is no disclosure or suggestion therein of a worker being able to specify, for example, two or more different activities during different time periods within a particular one of these shift assignments.

Figure 2B shows a single day schedule in which various employees are assigned to different shifts. However, this schedule is output by a scheduling engine which determines what each employee will do and when the employee will do it. There is no disclosure in Figure 2B of, for example, the worker specifying any activities (e.g., breaks or lunch) or specifying when these activities are desired to occur.

Col. 2, lines 15-35 describe constructing and revising a schedule, but here again there is no disclosure or suggestion of permitting each worker to specify two or more different work activities that the worker plans to perform during different time periods of the same workday as recited in claim 1.

Col. 4, lines 10-26 make reference to "availability data", but here again there is nothing at all suggestive in this phrase of a worker specifying two or more different work

activities that the worker plans to perform during different time periods of the same workday as recited in claim 1.

Col. 4, lines 45-65 state, among other things:

The scheduling engine then generates an optimal schedule within the constraints of this retrieved data by assigning employees to each shift in the schedule template applying the business parameters and rule base to resolve any conflicts or make any selections from a range.

Rather than disclosing or suggesting the claimed subject matter, this passage confirms the differences between O'Brien and the resource management system of claim 1 in that the scheduling engine of O'Brien assigns employees to shifts. In contrast, the system of claim 1 provides a module that enables workers to specify their work activities during a workday.

The office action erroneously focuses on the outputs of the scheduling system shown in Figures 2A and 2B of O'Brien. See, e.g., col. 2, lines 44-45 ("FIG. 2A is an exemplary schedule ...generated in accordance with the preferred embodiment.") (emphasis added); and col. 2, lines 46-47 ("FIG. 2B is an exemplary detailed schedule ...generated in accordance with the preferred embodiment.") (emphasis added). These Figures do not disclose or suggest the concept of the workers specifying the activities in which they plan to engage during a plurality of time periods. Rather, these Figures show the shift assignments for workers after they are generated by the scheduling system.

In short, O'Brien is fundamentally different than the resource management system of claim 1.

Neither Dellevi et al. nor Moseley et al. remedy these fundamental deficiencies.

The office action references col. 1, lines 55-65; col. 2, lines 18-30; col. 3, lines 40-57; and col. 6, lines 5-20 of Dellevi et al. and alleges that this reference discloses:

...comparing a service level forecasted to be needed for different work activities and a service level corresponding to the workers that plan to engage in these different work activities as specified in the work plans and permitting changes to the work activities specified in the work plans for one or more workers based on the comparing.

11/25/2008 Office Action, page 6.

Contrary to the assertions in the office action, the referenced portions of Dellevi et al. do not involve a service level comparison as claimed. Instead, in the context of the shift trading system of Dellevi et al., these passages describe using training data to ensure an employee is qualified for work functions that the employee is trading with another employee. There is no disclosure or suggestion in Dellevi et al. of a forecasted service level or any comparisons to such a level. Because Dellevi et al. does not provide this feature, this feature would be lacking from the combination of references proposed in the office action. In addition, because the claimed comparing is missing from Dellevi et al., the claimed changing of work activities based on such comparing is also missing from Dellevi et al.

Moreover, Dellevi et al. does not remedy the deficiencies of O'Brien with respect to, among other things, selecting work activities from a list of work activities.

Moseley et al. discloses a calendar that can be used to schedule appointments, tasks, meetings, etc. Among other things, Moseley et al. does not disclose or suggest

selecting work activities from a list of work activities as claimed. As noted above, the office action concedes that the applied references are deficient in this regard.¹

Nonetheless, the office action takes Official Notice that it would have been obvious to provide such a feature.

First, Applicant traverses the taking of Official Notice and respectfully requests that documentary evidence be provided to support the contentions in the office action with respect to displaying a list of work activities and allowing selection of a work activity from this list. For example, while selecting from a list is of course well-known, none of the applied references contemplate worker selection of work activities as claimed and thus there is no basis for asserting that it would have been well-known to provide for such selection from a list.

Second, as noted in MPEP Section 2144.03, Official Notice may be used to “fill in the gaps” in a rejection. However, in the present instance, Official Notice is used to provide a claimed feature which is acknowledged to be missing from the applied references -- it is not being used to simply “fill the gaps”. Consequently, its use in the present circumstances is improper.

As for claim 14, this claim recites a method which includes receiving from each of a plurality of workers a work plan in which the worker specifies, for each of a plurality of different time periods during each of one or more workdays, one of a plurality of

¹ 11/25/2008 Office Action, page 7 (“O’Brien, Dellevi et al., and Moseley et al. does (sic) not expressly teach that the work plan builder module is configured to permit each worker to specify by selection from a displayed list of work activities two or more different work activities.”)

different activities that the worker plans to perform during that time period by selecting from a displayed list of work activities, wherein the work plan for at least one of the workers specifies two or more different work activities that the at least one worker plans to perform during different time periods of the same workday. Claim 14 further recites comparing a service level forecasted to be needed for different work activities and a service level corresponding to the workers that plan to engage in these different work activities as specified in the work plans and changing the work activities specified in the work plans for one or more workers based on the comparing.

For the reasons discussed above with respect to claim 1, the applied references fail to disclose (or even suggest) these features. Consequently, claim 14 patentably distinguishes over the proposed combination of references.

Claim 19 is directed to computer-readable storage having stored thereon a work plan builder module for enabling workers to build their own work plans for one or more workdays, the work plan builder module being configured to allow each worker to specify by selection from a displayed list of work activities two or more different activities to engage in during different time periods of the same workday. The computer-readable storage also has stored thereon a forecast module for comparing a service level forecasted to be needed for different work activities and a service level corresponding to the workers that plan to engage in these different work activities as specified in the work plans. The forecast module permits changes to the work activities specified in the work plans for one or more workers based on the comparing.

For the reasons discussed above with respect to claim 1, the applied references fail to disclose (or even suggest) these features. Consequently, claim 19 patentably distinguishes over the proposed combination of references.

The method of managing resources of claim 43 involves receiving from each of one or more workers a work plan in which the worker specifies by selecting from a displayed list of work activities a first work activity for a first time period during a workday and a second different work activity for a second different time period during the same workday. The method also includes comparing a service level forecasted to be needed for different work activities and a service level corresponding to the workers that plan to engage in these different work activities as specified in the work plans. The work activities specified in the work plans for one or more workers are changed based on the comparing.

For the reasons discussed above with respect to claim 1, the applied references fail to disclose (or even suggest) these features. Consequently, claim 43 patentably distinguishes over the proposed combination of references.

For the limited purposes of this appeal, claims 3, 5, 7, 9-11, 17, 18, 20, 21, 26-29, 33-36, 42 and 46 are considered to patentably distinguish over the proposed combination of references by virtue of their respective dependencies from one of claims 1, 14, 19 or 43.

(2) Claims 2 and 22 would not have been made obvious by O'Brien, Dellevi et al. and Moseley et al.

In claims 2 and 22, the different work activities are specified as including answering telephone calls, answering electronic mail messages and answering regular mail messages. The office action concedes that none of the applied references discloses this feature and takes Official Notice that these are “well-known” job activities.

First, Applicant traverses the taking of Official Notice and respectfully requests that documentary evidence be provided to support the contentions in the office action with respect to these job activities in the context of the claimed resource management features. For example, while the activities recited in claims 2 and 22 are known, there is no evidence of record establishing that it would have been obvious to include such activities in the context of a work plan builder as claimed.

Second, as noted in MPEP Section 2144.03, Official Notice may be used to “fill in the gaps” in a rejection. However, in the present instance, Official Notice is used to provide a claimed feature which is acknowledged to be missing from the applied references -- it is not being used to simply “fill the gaps”. Consequently, its use in the present circumstances is improper.

(3) Claims 4 and 23 would not have been made obvious by O'Brien, Dellevi et al. and Moseley et al.

The office action concedes that none of O'Brien, Dellevi et al. or Moseley et al. discloses communicating data indicative of remaining vacation time. Nonetheless, the office action takes Official Notice that it would have been obvious to do so.

First, Applicant traverses the taking of Official Notice and respectfully requests that documentary evidence be provided to support the contentions in the office action with respect to communicating data indicative of remaining vacation time in the context of the claimed resource management system.

Second, as noted in MPEP Section 2144.03, Official Notice may be used to “fill in the gaps” in a rejection. However, in the present instance, Official Notice is used to provide a claimed feature which is acknowledged to be missing from the applied references -- it not being used to simply “fill the gaps”. Consequently, its use in the present circumstances is improper.

(4) Claims 6 and 24 would not have been made obvious by O'Brien, Dellevi et al. and Moseley et al.

The office action concedes that none of O'Brien, Dellevi et al. or Moseley et al. discloses communicating data indicative of sick time. Nonetheless, the office action takes Official Notice that it would have been obvious to do so.

First, Applicant traverses the taking of Official Notice and respectfully requests that documentary evidence be provided to support the contentions in the office action with respect to communicating data indicative of remaining sick time in the context of the claimed resource management system.

Second, as noted in MPEP Section 2144.03, Official Notice may be used to “fill in the gaps” in a rejection. However, in the present instance, Official Notice is used to provide a claimed feature which is acknowledged to be missing from the applied references -- it is not being used to simply “fill the gaps”. Consequently, its use in the present circumstances is improper.

(5) Claim 8 would not have been made obvious by O’Brien, Dellevi et al. and Moseley et al.

The office action concedes that none of O’Brien, Dellevi et al. or Moseley et al. discloses sending a notification to a worker if the worker does not specify a plan by a work plan deadline. Essentially, the office action essentially takes the position that this would have been obvious because it is desirable.

However, “desirability” is not a surrogate for evidence to support the legal conclusion of obviousness. The record does not contain evidence of the obviousness of claim 8 and the mere assertion of obviousness in the office action cannot constitute evidence of such alleged obviousness.

(6) Claims 13 and 32 would not have been made obvious by O'Brien, Dellevi et al. and Moseley et al.

The office action contends that col. 1, lines 45-57; col. 3, lines 25-40; col. 5, lines 5-30 and 48-67; and col. 6, lines 1-20 of O'Brien disclose a graphical display indicative of the comparison of work plans and forecasted needs as recited in claims 13 and 32.

While these passages of O'Brien may describe how forecasted needs are used to generate schedules, there is no disclosure or suggestion of a graphical display as recited in claims 13 and 32.

(7) Claim 25 would not have been made obvious by O'Brien, Dellevi et al. and Moseley et al.

Claim 25 calls for the work plan builder module to enable each worker to generate a default work plan and to generate a new plan by modifying the default work plan. The office action references various portions of O'Brien as allegedly disclosing this feature.

However, O'Brien clearly discloses that a scheduling engine generates a shift plan based on certain parameters. See, e.g., Abstract; col. 1, lines 46-49; and col. 4, lines 53-58. There is no disclosure of a worker generating a default work plan, much less creating a new plan by modifying such a default plan.

(8) Claim 30 would not have been made obvious by O'Brien, Dellevi et al. and Moseley et al.

Claim 30 calls for a real time status module for providing real-time statistics regarding activities that workers are currently engaged in. The passages of O'Brien referenced in the office action as allegedly disclosing this feature in fact relate to forecasted workload, not work activities that workers are currently engaged in. O'Brien neither discloses nor suggests the claimed real time module. The other references are likewise deficient in this regard.

(9) Claim 37 would not have been made obvious by O'Brien, Dellevi et al. and Moseley et al.

Claim 37 calls for a current day activity monitor module that provides a real time comparison between a service level corresponding to current real time work activities and a service level provided by those workers engaged in these work activities during the current time period.

The passages of O'Brien referenced in the office action as allegedly disclosing this feature in fact relate to forecasted workload, not work activities that workers are currently engaged in. O'Brien neither discloses nor suggests the claimed current day activity monitor module. The other references are likewise deficient in this regard.

(10) Claim 38 would not have been made obvious by O'Brien, Dellevi et al. and Moseley et al.

Claim 38 calls for the current day activity module to generate one or more graphical displays indicative of the comparison described in claim 37. As discussed above with respect to claim 37, the applied references do not disclose or suggest the claimed current day activity monitor and consequently these references are also deficient with respect to such a module generating the graphical displays of claim 38.

(11) Claim 39 would not have been made obvious by O'Brien, Dellevi et al. and Moseley et al.

Claim 39 calls for the current day activity monitor module to determine when a difference between the service level corresponding to the current real-time work activities and the service level provided by those workers engaged in these work activities during the current time period exceeds a predetermined level.

No such feature is disclosed by the applied references.

Again the referenced portions of O'Brien relate to forecasted workloads and provide no disclosure or suggestion whatsoever of comparing a service level of current activities with a service level provided by workers currently engaged in these activities. The other references are likewise deficient in this regard.

(12) Claim 40 would not have been made obvious by O'Brien, Dellevi et al. and Moseley et al.

Claim 40 calls for the current day activity monitor module to automatically perform an action if the difference identified in claim 39 exceeds the predetermined level. The applied references do not disclose or suggest determined a difference as claimed in claim 39 and consequently cannot disclose or suggest taking action(s) based on such a difference.

(13) Claim 41 would not have been made obvious by O'Brien, Dellevi et al. and Moseley et al.

Claim 41 calls for instructing one or more workers to change the activity in which these workers are currently engaged. None of the applied references contemplate instructing workers to change their current activity. The portions of O'Brien referenced in the office action as allegedly disclosing this feature at best deal with changing a future schedule of workers, not a current activity of the workers.

CONCLUSION

For all the reasons advanced above, reversal of the Examiner's rejections and allowance of all pending claims is solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Michael J. Shea/
Michael J. Shea
Reg. No. 34,725

MJS:mjs
901 North Glebe Road, 11th Floor
Arlington, VA 22202-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

(VIII) CLAIMS APPENDIX

Claim 1 (Previously Presented): A resource management system comprising:

a work plan builder module configured to build work plans for workers, said work plan builder module being configured to allow each worker to specify, for each of a plurality of different time periods during each of one or more workdays, one of a plurality of different activities that the worker plans to perform during that time period, wherein said work plan builder module is configured to permit each worker to specify by selection from a displayed list of work activities two or more different work activities that the worker plans to perform during different time periods of the same workday;

a computer-accessible memory for storing the work plans built by said work plan builder module; and

a forecast module for comparing a service level forecasted to be needed for different work activities and a service level corresponding to the workers that plan to engage in these different work activities as specified in the work plans and permitting changes to the work activities specified in the work plans for one or more workers based on the comparing.

Claim 2 (Previously Presented): The resource management system according to claim 1, wherein the different work activities include answering telephone calls, answering electronic mail messages and answering regular mail messages.

Claim 3 (Previously Presented): The resource management system according to claim 2, wherein the plurality of different activities includes vacation time.

Claim 4 (Original): The resource management system according to claim 3, wherein the work plan builder module is configured to selectively communicate to each worker data indicative of the vacation time remaining for that worker.

Claim 5 (Previously Presented): The resource management system according to claim 2, wherein the plurality of different activities includes sick time.

Claim 6 (Original): The resource management system according to claim 5, wherein the work plan builder module is configured to selectively communicate to each worker data indicative of the sick time remaining for that worker.

Claim 7 (Original): The resource management system according to claim 1, wherein the memory is part of a system server computer and the work plan module is a client process executed on a computer located remotely with respect to the system server computer.

Claim 8 (Previously Presented): The resource management system according to claim 1, wherein said work plan builder module is configured to generate and send messages to workers that do not specify a plan by a work plan deadline.

Claim 9 (Original): The resource management system according to claim 1, further comprising:

a supervision module configured to access the work plans stored in said memory and to allow review of the work plans by supervisors.

Claim 10 (Original): The resource management system according to claim 9, wherein the supervision module is configured to communicate data indicative of all workers that plan to perform a particular activity during a particular time period.

Claim 11 (Original): The resource management system according to claim 9, wherein the supervision module is configured to communicate data indicative of total amounts of time that workers plan to perform particular activities.

Claim 12 (Canceled).

Claim 13 (Previously Presented): The resource management system according to claim 1, wherein said forecast module is configured to generate a graphical display indicative of the comparison of the work plans and the forecasted needs.

Claim 14 (Previously Presented): A method of managing resources comprising:

receiving from each of a plurality of workers a work plan in which the worker specifies, for each of a plurality of different time periods during each of one or more workdays, one of a plurality of different activities that the worker plans to perform during that time period by selecting from a displayed list of work activities, wherein the work plan for at least one of the workers specifies two or more different work activities that the at least one worker plans to perform during different time periods of the same workday;

storing in a computer-accessible memory the received work plans;

comparing a service level forecasted to be needed for different work activities and a service level corresponding to the workers that plan to engage in these different work activities as specified in the work plans; and

changing the work activities specified in the work plans for one or more workers based on the comparing.

Claims 15 and 16 (Canceled).

Claim 17 (Previously Presented): The resource management system according to claim 1, wherein:

the workers specify activities for the time periods via an interface comprising cells arranged in rows and columns, each cell representing a particular time period for a particular workday.

Claim 18 (Previously Presented): The method according to claim 14, wherein each worker specifies activities for the time periods via an interface comprising cells arranged in rows and columns, each cell representing a particular time period for a particular workday.

Claim 19 (Previously Presented): Computer-readable storage having stored thereon one or more computer-executable modules for a resource management system, the one or more computer-executable modules including a work plan builder module for enabling workers to build their own work plans for one or more workdays and a forecast module for comparing a service level forecasted to be needed for different work activities and a service level corresponding to the workers that plan to engage in these different work activities as specified in the work plans, wherein the work plan builder module is configured to allow each worker to specify by selection from a displayed list of work activities two or more different work activities to engage in during different time periods of the same workday and the forecast module permits changes to the work activities specified in the work plans for one or more workers based on the comparing.

Claim 20 (Previously Presented): The computer-readable storage according to claim 19, wherein each worker specifies activities for the time periods via an interface comprising cells arranged in rows and columns, each cell representing a particular time period for a particular workday.

Claim 21 (Previously Presented): The computer-readable storage according to claim 19, wherein the work plan builder is configured to allow each worker to further specify vacation time and sick time.

Claim 22 (Previously Presented): The computer-readable storage according to claim 19, wherein the work activities comprise answering telephone calls, answering electronic mail messages and answering regular mail messages.

Claim 23 (Previously Presented): The computer-readable storage according to claim 21, wherein the work plan builder module is configured to selectively communicate to each worker data indicative of the vacation time available for that worker.

Claim 24 (Previously Presented): The computer-readable storage according to claim 21, wherein the work plan builder module is configured to selectively communicate to each worker data indicative of the sick time available for that worker.

Claim 25 (Previously Presented): The computer-readable storage according to claim 19, wherein the work plan builder module enables each worker to generate a default work plan that specifies, for each of a plurality of different time periods during each of one or more workdays, one of a plurality of different activities that the worker plans to engage in during that time period and to generate a new work plan by modifying the default work plan.

Claim 26 (Previously Presented): The computer-readable storage according to claim 19, being configured for remote access by the workers over a communication network.

Claim 27 (Previously Presented): The computer-readable storage according to claim 26, wherein the remote access is via a wireless communication device.

Claim 28 (Previously Presented): The computer-readable storage according to claim 26, wherein the remote access is via a kiosk accessible to a plurality of workers.

Claim 29 (Previously Presented): The computer-readable storage according to claim 26, wherein the remote access is via a hand-held computing device.

Claim 30 (Previously Presented): The computer-readable storage according to claim 19, wherein the one or more computer-executable modules further include a real-time status module for providing real-time statistics regarding activities that the workers are currently engaged in.

Claim 31 (Canceled).

Claim 32 (Previously Presented): The computer-readable storage according to claim 19, wherein the work force forecast module is configured to generate a graphical display indicative of the comparison.

Claim 33 (Previously Presented): The computer-readable storage according to claim 19, wherein the one or more computer-executable modules further include a supervision module for permitting one or more of viewing, updating and approving of the work plans of the workers by a supervisor.

Claim 34 (Previously Presented): The computer-readable storage according to claim 33, wherein the supervision module enables the supervisor to enter work plans for one or more workers.

Claim 35 (Previously Presented): The computer-readable storage according to claim 33, wherein the supervision module is configured to provide one or more displays indicative of all workers that plan to perform a particular activity during a particular time period.

Claim 36 (Previously Presented): The computer-readable storage according to claim 33, wherein the supervision module is configured to provide one or more displays indicative of total amounts of time that each worker plans to perform particular activities.

Claim 37 (Previously Presented): The computer-readable storage according to claim 19, wherein the one or more computer-executable modules further include a current day activity monitor module for providing a real-time comparison between a service level corresponding to current real-time work activities and a service level provided by those workers engaged in these work activities during the current time period.

Claim 38 (Previously Presented): The computer-readable storage according to claim 37, wherein the current day activity module is configured to generate one or more graphical displays indicative of the comparison.

Claim 39 (Previously Presented): The computer-readable storage according to claim 37, wherein the current day activity monitor module is configured to determine when a difference between the service level corresponding to current real-time work activities and the service level provided by those workers engaged in these work activities during the current time period exceeds a predetermined level.

Claim 40 (Previously Presented): The computer-readable storage according to claim 39, wherein the current day activity monitor module is further configured to automatically perform one or more actions if the difference exceeds the predetermined level.

Claim 41 (Previously Presented): The computer-readable storage according to claim 40, wherein the one or more actions includes instructing one or more workers to change the activity in which these workers are currently engaged.

Claim 42 (Previously Presented): A resource management system comprising computer-readable storage according to claim 19.

Claim 43 (Previously Presented): A method of managing resources, comprising:
receiving from each of one or more workers a work plan in which the worker specifies by selecting from a displayed list of work activities a first work activity for a first time period during a workday and a second different work activity for a second different time period during the same workday;

comparing a service level forecasted to be needed for different work activities and a service level corresponding to the workers that plan to engage in these different work activities as specified in the work plans; and

changing the work activities specified in the work plans for one or more workers based on the comparing.

Claims 44 and 45 (Canceled).

Claim 46 (Previously Presented): The method according to claim 43, wherein the work plan is received over a communication network from a computer device configured to provide a display comprising cells arranged in rows and columns, each cell representing a particular time period for a particular workday.

(IX) EVIDENCE APPENDIX

No evidence has been submitted during the prosecution of this application pursuant to §§1.130, 1.131, 1.132.

THOMPSON et al.
Serial No. 09/723,319
Appeal Brief

(X) RELATED PROCEEDINGS APPENDIX

(None)